

The Honorable Karen L. Strombom

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BRANDON KEITH FEJERAN,  
Defendant.

CASE NO. *15-5214*  
COMPLAINT for VIOLATION  
Title 18, United States Code, Section 2250

BEFORE the Honorable Karen L. Strombom, United States Magistrate Judge,  
U.S. Courthouse, Tacoma, Washington.

**COUNT ONE**

**(Failure to Register or Update Sex Offender Registration)**

Beginning on a date unknown but not later than on or about May 4, 2015, and continuing until the present, in Pierce County, within the Western District of Washington, and elsewhere, BRANDON KEITH FEJERAN, an individual required to register and update his registration pursuant to the Sex Offender Registration and Notification Act, and a sex offender by reason of a conviction under the Guam Code Annotated, traveled in interstate commerce and knowingly failed to update his sex offender registration.

All in violation of Title 18, United States Code, Section 2250(a).

1 The undersigned complainant, Ryan Kimmel, being duly sworn, states as follows:

2 **I. BACKGROUND**

3 1. I am a Deputy United States Marshal with the United States Marshal  
4 Service assigned to the Tacoma, Washington, office. I have been with the United States  
5 Marshal Service for over five years. I am a graduate of the United States Marshal  
6 Service Academy and the Criminal Investigator Training Program at the Federal Law  
7 Enforcement Training Center. I currently serve as a criminal investigator for the Pacific  
8 Northwest Violent Offender Task Force for the Western District of Washington. Among  
9 my responsibilities is investigating criminal offenses related to the Sex Offender  
10 Registration and Notification Act ("SORNA"), 42 U.S.C. §§ 16901 *et seq.*

11 2. I make this affidavit in support of a criminal complaint charging  
12 BRANDON KEITH FEJERAN, with failure to update his sex offender registration in  
13 violation of Title 18, United States Code, Section 2250(a). The facts set forth below are  
14 based on my personal knowledge, information provided to me by other law enforcement  
15 agents and witnesses, and evidence gathered during this investigation. I do not purport to  
16 list every fact known to me as a result of my investigation but only those I believe  
17 necessary to support a finding of probable cause that FEJERAN committed the offense  
18 charged in Count 1.

19 3. As detailed below, FEJERAN is a sex offender subject to the registration  
20 requirements of SORNA by reason of his Guam conviction for Second Degree Criminal  
21 Sexual Conduct. Under SORNA, FEJERAN must register in any jurisdiction in which he  
22 resides, maintains employment, or attends school. FEJERAN last registered as a sex  
23 offender with the Territory of Guam on November 17, 2008, providing an address within  
24 the Territory of Guam. FEJERAN moved to Washington State and has not updated his  
25 registration with Pierce County, or any other agency within the State of Washington.  
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## II. SUMMARY OF PROBABLE CAUSE

4. On December 29, 2003, FEJERAN was convicted of Second Degree Criminal Sexual Conduct in violation of 9 Guam Code Annotated 25.20(a)(1) and (b) and was sentenced to three years of confinement. As a result of this conviction, FEJERAN is required to register as a sex offender under both Washington State and federal law.

5. SORNA requires that all convicted “sex offender[s]” “register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.” 42 U.S.C. § 16913(a). A sex offender keeps his or her registration current by, not later than three business days after each change of name, residence, employment, or student status, appearing in person in at least one jurisdiction and informing that jurisdiction of all changes in the information required for that offender in the sex offender registry. *Id.* § 16913(c).

6. The term “sex offender” is defined as an individual who has been convicted of a “sex offense.” 42 U.S.C. § 16911(1). “[S]ex offense” is, in turn, defined to include a “criminal offense that has an element involving a sexual act or sexual contact with another,” including an attempt to do so. *Id.* § 16911(5)(A)(i), (v).

7. FEJERAN’s conviction for Second Degree Criminal Sexual Conduct has an element that involves sexual contact with another. *See* Guam Code Annotated 25.20. Accordingly, FEJERAN is a “sex offender” under SORNA and subject to its registration requirements.

8. FEJERAN is classified as a Tier II sex offender resulting in a twenty-five year registration requirement. *See* 42 U.S.C. § 16915(a)(2). Tier II offenses include offenses punishable by more than one year in prison that are “comparable to or more severe” than abusive sexual contact as defined 18 U.S.C. § 2244, which in turn cross references 18 U.S.C. § 2243. *See* 42 U.S.C. § 16911(3)(A)(iv). Because FEJERAN was more than forty-eight-months older than his victim who was between twelve and sixteen,

1 his state conviction is comparable to or more severe than a violation of 18 U.S.C. §  
2 2243(a). Therefore, he is a Tier II Offender.

3 9. Documents obtained during this investigation show that FEJERAN was  
4 aware of his registration requirements. On February 28, 2006, FEJERAN signed a  
5 document acknowledging his understanding of his registration obligations, including that  
6 his obligation to register as a sex offender was a lifetime obligation. The documents  
7 signed by FEJERAN also included the following:

8 I was informed that if I change my residence on Guam, I must provide the  
9 new residential address within three (3) working days to the Superior Court  
10 of Guam or appropriate Sexual Offender registrar. I was informed that if I  
11 move to another state or territory, I shall report the change of address to the  
12 Superior Court of Guam or appropriate registrar prior to leaving Guam.  
13 Upon arriving at my new address I must report within three (3) calendar  
14 days to the Sexual Offender Registry in an area near my new address and  
15 comply with any registration requirement of the new state or territory. I  
16 was informed that if I am employed or become employed, or carry on a  
17 vocation, or become a student in another state or territory, then I must  
18 comply with any registration requirement of that new state or territory. As  
19 a lifetime registrant, I am required to report in person and verify/validate  
20 my registered information every ninety (90) days.

21 10. On November 23, 2009, the Guam Sex Offender Registry Management  
22 Office Published a letter stating FEJERAN was no longer in compliance with his  
23 registration requirements.

24 11. On October 5, 2010, the Superior Court of Guam Grand Jury issued an  
25 Indictment for FEJERAN charging him with Failure to Register as a Sex Offender, a  
26 Third Degree Felony. On the same date, the Superior Court of Guam issued a Warrant of  
27 Arrest for FEJERAN for Failure to Register as a Sex Offender.

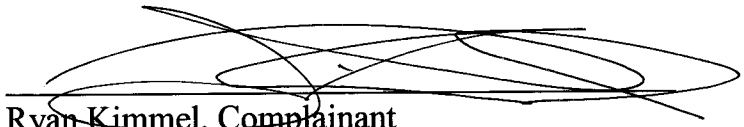
28 12. In July of this year, I learned that FEJERAN may have moved to  
Washington State. On October 15, 2015, I received FEJERAN's Application for  
Employment, emergency contact information, I-9 and W-4 from EZ Worldwide Express  
verifying FEJERAN has been employed in DuPont, Washington, since May 4, 2015, and  
remains employed to this date. FEJERAN provided EZ Worldwide Express 5216

1 Chicago Ave SW Apt # 11, Lakewood, WA 98499 as his address of residence.  
2 FEJERAN provided a California Driver License on the Form I-9. In his employment  
3 application, FEJERAN also stated that he had never been convicted of a felony.

4 13. A search of the Washington Association of Sheriffs and Police Chiefs  
5 (WASPC), Sex Offender Registry indicates FEJERAN is not currently registered.  
6 Additionally, contact with Andrea Conger of the Pierce County Sheriff's Office Sex  
7 Offender Registry verified FEJERAN is not currently registered in Pierce County,  
8 Washington.

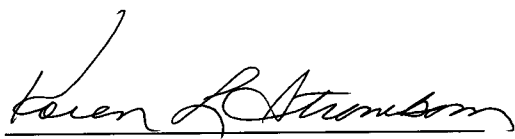
### 9 III. CONCLUSION

10 14. Based on the foregoing information, I respectfully submit that there is  
11 probable cause to believe that FEJERAN has failed to update his sex offender registration  
12 in violation of Title 18, United States Code, Section 2250(a).

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15 Ryan Kimmel, Complainant  
16 Deputy United States Marshal  
17 United States Marshals Service  
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19 Based on the Complaint and Affidavit sworn to before me and subscribed in my  
20 presence, the Court hereby finds that there is probable cause to believe the Defendant  
21 committed the offense set forth in the Complaint.

22 Dated this 24<sup>th</sup> day of November, 2015.

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25 Karen L. Strombom  
26 United States Magistrate Judge  
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